

Data Protection Ireland

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Compensation for costs of Retention law sought

The body that represents Ireland's leading industry groups in the field of electronic communications has told the Department of Justice it will seek financial compensation if proposals in the Communications (Retention of Data) Bill 2009 on data retention become law.

The Data Retention Bill implements the European Data Retention Directive in Ireland. The draft of the Bill was leaked, but the legislation will not be enacted until later this year.

The Telecommunications and Internet Federation has labelled the proposed legislation 'onerous',

saying it would place additional call and internet data management requirements on communications operators.

The Federation is seeking reimbursement to cover the cost of implementing additional requirements for the storage and retrieval of electronic data. The Federation's Director Tommy McGabe said:

"Operators are happy to co-operate with gardai in relation to this issue, but it's a cost. In the current climate, costs are being looked at everywhere."

The Federation is also seeking clarification

about 'unclear' aspects of the proposed legislation. According to the body, these include the type of data that would need to be retained, and the circumstances under which information would have to be made available. He said the Federation also had queries about the proposal to redefine serious crime from the current definition of a crime punishable by a minimum sentence of five years to any crime with a minimum sentence of 12 months.

A spokesperson for the Department said:

"There are currently no
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Illegal CCTV on Dublin's busiest street

Nearly all businesses on Dublin's Grafton Street are failing to meet the basic requirements of the Data Protection Acts 1988 and 2003 in their use of CCTV.

Recognisable images captured by CCTV systems qualify as 'personal data' under data protection law, which places relevant requirements on data controllers. These include a need for transparency (section 2D), i.e. that

essential information is supplied to a data subject before any personal data are recorded. This information includes: the identity of the data controller; the purposes for which data are processed; and the details of any third parties to whom the data may be supplied.

According to a February 13th survey carried out by Irish company Top Security, only 8% of the 75 surveyed businesses

on Dublin's Grafton Street were in compliance with the law, with 50% having no sign at all to indicate the presence of CCTV.

The Data Protection Commissioner's website states:

"if installing a [CCTV] system, it is required that the purpose for its use be displayed in a prominent position. In a shop or store context this would normally be at the entrance."

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